

Rule 211 Frequently Asked Questions

Introduction

On September 20, 2018, the State Personnel Board (SPB) approved the new California Code of Regulations (CCR), title 2, section 211 for petitions to participate in examinations and CCR, title 2, section 211.2, petitions to participate in examinations after a board decision. Individuals who were dismissed from state employment by adverse action, or as a result of disciplinary proceedings, shall not be permitted to take any state civil service examination or be certified from an eligible list to any positions in state civil service without the approval of CalHR or SPB.

The following Frequently Asked Questions (FAQs) are provided to assist departments. For assistance with specific questions, departmental human resource offices should send an email to CalHR, Personnel Management Division at PMD@calhr.ca.gov.

1. Can dismissed individuals return to non-testing positions?

It is possible to appoint a dismissed employee to a Temporary Authorization Appointment (TAU) non-testing position. However, the intent of Government Code section 19059 and CCR, title 2, section 172 is that all appointees, including TAU should possess the general qualifications of integrity, honesty, and so forth. It would not be appropriate to punitively dismiss an employee and then rehire the individual in a TAU non-testing class, performing the same type of duties. Prior to a TAU appointment, the hiring department should investigate the circumstances of the individual's dismissal to determine if a TAU appointment to a specific position is appropriate. If the dismissal is discovered after the appointment has been made and the department determines the employee should not be allowed to perform the duties of the position, the TAU appointment must be terminated.

2. Can dismissed individuals request a blanket approval?

Yes, a dismissed individual may request a blanket approval if they meet the minimum qualifications. PMD on a case by case, may deny a blanket approval if it is determined the individual does not meet the minimum qualifications of specific classifications or other general qualifications per CCR, title 2, section 172.

3. Can a permanent employee who has been dismissed from state service be hired into a Temporary Authorization Appointment (TAU) position?

There is no specific law or rule that prohibits the hiring of a dismissed employee in a TAU position and it is possible to appoint a dismissed employee into a TAU position. However, it would be inappropriate to punitively dismiss an employee and then rehire the individual into a TAU position to perform the same type of duties.

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Note: Prior to appointing a dismissed individual, the department should investigate the circumstances of the individual's dismissal to determine if a TAU appointment to a specific position is appropriate.